IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

CRL.A.No. 1105 of 2002()

CRA.153/1999 of ADDL.SESSIONS COURT, KOTTAYAM
CC.351/1990 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

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APPELLANT: RESPONDENT/COMPLAINANT

SIVARAMA PILLAI, S/O. SIVARAMAN NAIR,
VILANCHIRA PUTHEN VEEDU, KANJIRAPPALLY

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS: APPELLANT AND STATE/ ACCUSED AND STATE

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1. KURUVILA KURUVILA, KALLARACKAL
MALIYAKKAL, HILL CRUST, MARIYATHURUTHU, KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY FOR R1, ADV. SRI.DINESH MATHEW J.MURICKEN
FOR R2, PUBLIC PROSECUTOR, SRI THOMAS JOHN AMBOOKAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

Crl. Appeal No. 1105 of 2002

Dated this the 14th February, 2007.

JUDGMENT

The complainant in C.C.No.351/1990 on the file of the Judicial Magistrate of the First Class-I, Kanjirappally, is the appellant. This appeal is preferred by the complainant, against the judgment, dated 07/01/2002, in Crl.A.No.153/1999, of the Additional Sessions Judge, Kottayam, as the accused was acquitted and complaint dismissed. The proceedings against the first respondent was under Section 138 of the Negotiable Instruments Act. As the acquittal was under challenge before this Court under Section 378 of the Code of Criminal Procedure, if the accused dies, the appeal would abate under Section 394(1) Cr.P.C.

2. The learned counsel for the appellant, complainant, submits that the first respondent accused had died.

In the above circumstances, under Section 394(1) Cr.P.C., this appeal having been filed under Section 378 Cr.P.C is abated. Hence, the appeal is dismissed accordingly.

J.M. JAMES,
JUDGE.

ms

J.M. JAMES, J.

Crl.Appeal No.1105 of 2002(D)

JUDGMENT

Dated: 14th February, 2007.